

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

By this amendment, claims 1, 3-4, 6-7, and 9 have been amended. Upon entry of this amendment, claims 1-15 will be pending.

Applicants propose to amend Figure 1 of the drawings as indicated above and in the accompanying Request for Approval of Drawing Changes.

Objections to the Drawings

In Section 1 of the Office Action, the Examiner has objected to the drawings. As noted above, applicants have submitted a Request for Approval of Drawing Changes accompanying this amendment, including marked photocopies of proposed drawing changes addressing this objection. Accordingly, it is respectfully requested that the Examiner approve these drawing changes and withdraw this objection.

§102 Rejection of Claims 1-15

In Section 3 of the Office Action, the Examiner has rejected claims 1-15 under 35 U.S.C. §102(e) as being unpatentable over Sugiyama et al. (U.S. Patent 5,923,486; hereinafter referred to as “Sugiyama”). This rejection is respectfully traversed below.

Regarding claim 1, as shown above, claim 1 has been amended and calls for:

1. (Currently Amended) A reproducing apparatus comprising:
means for reading a signal written on a recording medium;

means for extracting signal processing program information written on the recording medium, wherein the signal processing program information includes one or more executable instructions;
means for installing the signal processing program information to a signal processor; and
means for processing the signal read from the recording medium based on executing the one or more executable instructions of the installed signal processing program information.

Accordingly, in one aspect of claim 1, the signal processing program information includes one or more executable instructions. The means for processing processes the signal read from the recording medium based on the execution of these extracted and installed executable instructions. Therefore, one or more executable instructions are extracted, installed, and executed to process the signal read from the recording medium.

Considering the Examiner's rejection of claim 1 in Sections 3 and 4 of the Office Action as applied to amended claim 1, it does not appear that the arguments presented by the Examiner in rejecting claim 1 over Sugiyama in Sections 3 and 4 of the Office Action address one or more executable instructions that are extracted, installed, and executed as called for in amended claim 1. In Section 3, the Examiner appears to argue that Sugiyama addresses executable programs at column 8, lines 13-29, and column 11, lines 4-14 ("See col. 8, ll. 13-29, col. 11, ll. 4-14 for executable programs."). However, it appears that these portions of Sugiyama address types of copyright protection information, and not executable instructions. At column 8, lines 13-29, Sugiyama lists six kinds of copyright protective information:

"(1) information indicating whether recording is permitted or not or indicating the inhibition or restriction of recording; (2) prepaid fee information corresponding to recording duration information whose dubbing is permitted or to an allotted recording duration; (3) information indicating whether reproduction is permitted or not or indicating reproduction inhibition or restriction; (4) prepaid fee information corresponding to reproduction duration information whose reproduction is permitted or to its allotted reproduction

duration; (5) information indicative of a fee category corresponding to a royalty which is charged per unit of recording duration of the recording program; and (6) information indicative of a fee category corresponding to the royalty which is charged per unit of time of reproduction duration of the recorded data.”

These same kinds of information are discussed further at column 11, lines 4-14, of Sugiyama. However, the Examiner has not explained how these kinds of copyright protective information show executable instructions as called for in claim 1. As discussed above, the executable instructions in claim 1, are extracted, installed, and executed to process a signal read from a recording medium. The executable instructions are not merely data or parameters. In contrast, it appears that the copyright protective information referenced by the Examiner is only data, not executable instructions.

In Section 4, the Examiner appears to argue that element 8 installs program information and elements 5 and 6 process the information. However, the Examiner has not explained how these elements show or suggest that the program information includes one or more executable instructions and that these executable instructions are executed.

Accordingly, it does not appear that the Examiner has established how Sugiyama, as referenced by the Examiner in rejecting claim 1, shows or suggests at least these aspects of amended claim 1, and so it is submitted that the Examiner has not established how Sugiyama shows or suggests amended claim 1 as a whole. Claims 2 and 10 depend from claim 1, and it is also submitted that the Examiner has not established how Sugiyama shows or suggests claims 2 and 10, through their dependence on claim 1. Similar arguments apply to claims 3, 4, 6, 7, and 9, and so to claim 11 that depends from claim 3, to claims 5 and 12 that depend from claim 4, to claim 13 that depends from claim 6, to claims 8 and 14 that depend from claim 7, and to claim 15 that depends from claim 9.

Based upon the foregoing, it is submitted that claims 1-15 are not anticipated by nor rendered obvious by the teachings of Sugiyama, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 1-15 based upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-15 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

PATENT
Serial No. 09/614,524
Attorney Docket No. 450100-02614

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By: 
Hans R. Mahr, Reg. No. 46,138 for
William S. Frommer
Reg. No. 25,506
(212) 588-0800

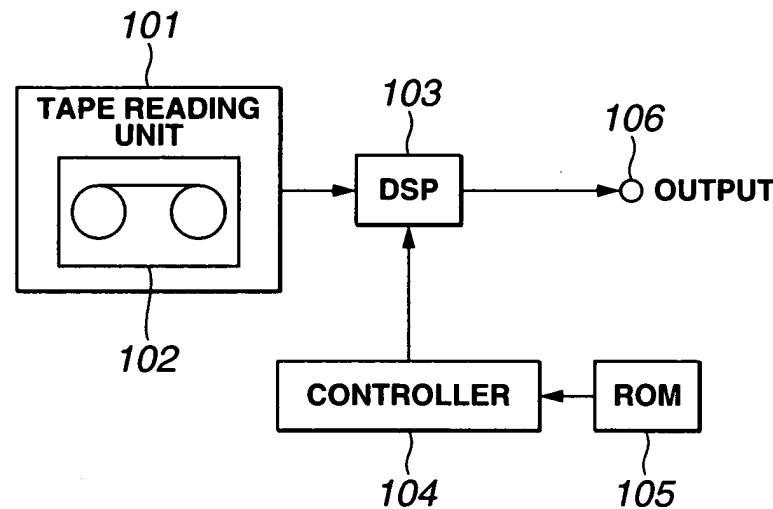


FIG.1
(PRIOR ART)

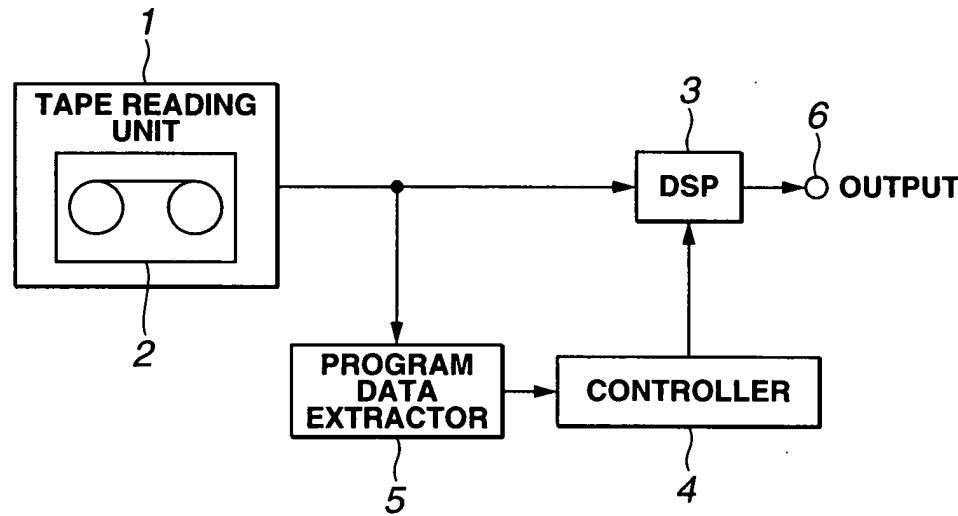


FIG.2